Docusign Envelope ID: ARTELE 1000 PAPEL PROCUMENT 17-1 Filed 01/09/19 Page 1 of 30

CHARGE OF DISCRIMINATION		AGE	AGENCY		CHARGE NUMBER		
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before countries form.	ompleting	X	FEPA EEOC	RE	CEIVED		
Clate as loss	1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0				SEP 1 4 2018		
NAME (Indicate Mr., Ms., Mrs.)	l Agency, if any		DE) HOME	FEOC I	DENVER FIELD OFFIC		
Ms. Tasheka Bryan		876-480)-4793				
street ADDRESS cin 123 Mansfield Heights, Ocho Rios, St Ann, Jama	TY, STATE AI I iCA	ND ZIP CODE	Ξ		DATE OF BIRTH February 10, 1991		
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT A AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list b		PRENTICES	HIP COMMIT	TEE, STATE OR	LOCAL GOVERNMENT		
	NUMBER OF 50+	EMPLOYEES	S, MEMBER	(877) 47	E (Include Area Code) 77-3866		
STREET ADDRESS CIT 100 Glenridge Point Parkway, Suite 400, Atlanta,	TY, STATE AN		Ξ		COUNTY Fulton		
NAME							
STREET ADDRESS CIT	DRESS CITY, STATE AND ZIP CODE						
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) RACE X COLOR SEX RELIGION AGE 12/14/17-4/11/18 X RETALIATION X NATIONAL DISABILITY OTHER X CONTINUING ACTION							
	NOTA	ARY - (When	necessary fo	or State and Local	Requirements)		
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. 9/13/2018 3:54:08 PM PDT Charging Party (Signature)	SIGN SUBS	of my knowled	dge, informat COMPLAINA D SWORN T	ion and belief.	e and that it is true to the		

DocuSign Envelope ID: Cassa 2: 129 Q + B 2006 27 S F H 90 P p cument 17-1 Filed 01/09/19 Page 2 of 30

- A. I am a black Jamaican, I was born in Jamaica.
- B. I was employed as a bartender by Yellowstone Club Operations, LLC ("Yellowstone Club") to work at One Yellowstone Mountain Club Trail, Big Sky, Montana 59716
- C. I began my employment on December 14, 2017.
- D. The Yellowstone Club hired me in Jamaica and I came to United States to work for the Yellowstone Club on an H2B visa.
- E. All of the H2B workers employed at the Yellowstone Club at the same time as me were black Jamaicans. No other black Jamaicans worked there.
- F. When I was hired, my understanding was that Yellowstone Club would be my employer, but when I came to the United States, I was also employed by Hospitality Staffing Solution, LLC ("HSS").
- G. These employment classifications—working for HSS and being an H2B worker—had a disparate impact on black Jamaican workers based on our race, color and national origin.
- H. I was also discriminated against as a black Jamaican H2B worker because my employers did not give me, or the other black Jamaican H2B workers, extra compensation that the non-black, non-Jamaican, non-H2B workers doing the same or similar work did receive.
- I. Bartenders like me were supposed to receive a percentage of the revenue for all food and drink they served or normal tips as additional compensation. The other Black Jamaican H2B bartenders and I did not receive this additional compensation. The non-black, non-Jamaican, non-H2B bartenders did receive this additional compensation.
- J. Bartenders at my restaurant could print out a receipt at the end of the night that showed how much gratuity we accrued that night. These gratuities were a percentage of the price of the drinks and food (food was served at the bar) served by each bartender. Black Jamaican H2B bartenders like me never received this money, while non-black, non-Jamaican, non-H2B bartenders did.
- K. In the beginning of my employment, I signed in daily with my own bartender number and my gratuity that I could see on the receipt at the end of each night accrued to my number. I never received this gratuity. Later a Yellowstone supervisor, Clay, told me and other Black Jamaican bartenders to sign in under the restaurant name instead of our personal numbers. When I asked why, he said that our gratuity would be pooled and given to us at the end. We did not receive any of these gratuities. Black Jamaican H2B bartenders like me never received this money, while non-black, non-Jamaican, non-H2B bartenders did.
- L. This discrimination was not limited to bartenders like me.
- M. Restaurant servers were supposed to receive a percentage of the revenue for all food and drink they served or normal tips as additional compensation. Black Jamaican H2B servers did not receive this additional compensation. The non-black, non-Jamaican, non-H2B servers did receive this additional compensation.

- N. Cooks were supposed to receive a percentage of the revenue of for all food prepared in the kitchen as additional compensation. The other black Jamaican H2B cooks did not receive this additional compensation for their work. The non-black, non-Jamaican, non-H2B cooks did receive this additional compensation.
- O. Housekeepers were supposed to receive pooled tips as additional compensation. Black Jamaican H2B housekeepers did not receive this additional compensation. The non-black, non-Jamaican, non-H2B housekeepers did receive this additional compensation.
- P. There was a meeting between HSS CEO Tim McPherson and the Jamaican servers, cooks, and bartenders in the middle of the ski season after complaints that black Jamaican H2B workers were not receiving the same compensation as non-black, non-Jamaican, non-H2B workers. In that meeting, Mr. McPherson stated that black Jamaican H2B would not receive tips because "[they] were not from here."
- Q. After that meeting, a member of HSS human resources named Fay Wilson threatened a black Jamaican server who had complained during the meeting about his compensation, saying that he could always be "taken back to Jamaica."
- R. In approximately March 2018, Cindy McPheeters, representing the Yellowstone Club's management, addressed the black Jamaican H2B workers about not receiving the additional compensation. She promised the workers that the Yellowstone Clubs would give them bonuses. These bonuses were to be put directly into their accounts with Yellowstone paying extra to cover the taxes. Despite being owed thousands or tens of thousands in unpaid tips, workers received "bonuses" that ranged in size from \$0 to \$2,000 or potentially more.
- S. I understood the promise of the bonuses to be connected to our missing compensation.
- T. Only black Jamaican H2B workers were paid on pay cards and these pay card charged fees to use them.
- U. HSS and the Yellowstone didn't want me and other black Jamaicans H2B workers to call in sick. If we did call in sick, they would ask us to come to work anyway. Non-black, non-Jamaican, non-H2B workers could simply not show up if they were sick with no repercussions. For example, when I was injured on the job and cut my leg on a piece of broken glass, I received three stitches at the hospital and visited the hospital a second time for pain. After that, the supervisor texted me every day telling me that I needed to work. Non-black, non-Jamaican, non-H2B workers would not have been pressured to work while injured.

DocuSign Envelope ID: GRESCO 2: 1087 CNO 1902 Page 4 of 30

CHARGE OF DISCRIMINATION		AGE	NCY	CHARGE NUMBER			
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before this form.	completing	X	FEPA EEOC	RE	RECEIVED		
			*****	S	EP 1 4 2018		
State or Ic NAME(Indicate Mr., Ms., Mrs.)	cal Agency, if any	(AREA COI	DE) HOME	TELEPHONE	ENVER FIELD OFFICE		
Mr. Nicholas Douglas			34-3816	EEU U	INVERTIELD UFFICE		
	CITY, STATE A	<u> </u>			DATE OF BIRTH		
3 Sawgrass Road, Apt I1 Charleston, SC 29412					May 27, 1985		
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMEN AGENCY WHO DISCRIMINATED AGAINST ME (If more than one lis	T AGENCY, AF t below.)	PRENTICES	НІР СОММІ	TTEE, STATE C	OR LOCAL GOVERNMENT		
NAME Hospitality Staffing Solutions, LLC	NUMBER OF 50+	EMPLOYEE	S, MEMBEF		ONE (Include Area Code) 477-3866		
	CITY, STATE A		=		COUNTY		
100 Glenridge Point Parkway, Suite 400, Atlanta	a, GA 303		IE NILIMBET	/Include Area (Fulton		
IVAIVIE		TELEPHON	NE NUMBER	(Include Area C			
STREET ADDRESS (CITY, STATE AND ZIP CODE				COUNTY		
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) DATE DISCRIMINATION TOOK PLACE							
X RACE X COLOR SEX	RELIGION	AGE	40000	RLIEST 1 /29/17-3/24	LATEST L /18		
X RETALIATION X NATIONAL DISAE		OTHER					
ORIGIN	I i i i i i i i i i i i i i i i i i i i			X CONTINUING ACTION			
I. JURISDICTION: The EEOC has jurisdiction over the subject matter of this charge; Respondent is subject to the jurisdiction of the EEOC and is covered by the provisions for Title VII of the Civil Rights Act of 1964 (Title VII')							
II. PERSONAL HARM: I have been treated worse and paid less than non-black, non-Jamaican workers doing the same work, because of my race, color and national origin in violation of Title VII. I was discriminated against in the terms and conditions of my employment, including pay and job duties, and also subjected to a hostile work environment and retaliation, and subjected to policies and practices that had a disparate impact based on my race, color and national origin.							
III. DISCRIMINATION STATEMENT: CONTINUED ON NEXT PAGE							
	NOT	ARY - (When	necessary f	or State and Loc	al Requirements)		
I declare under penalty of perjury that the foregoing is true and correct. Docusigned by:	SIGN	of my kn owle	dge, informa	ation and belief.	arge and that it is true to the		
9/13/2018 9:30:23 AM PD C6015FF8BE01448 Date Charging Party (Signature)		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)					

- A. I am a black Jamaican. I was born in Jamaica.
- B. I was employed as a cook by Yellowstone Club Operations, LLC ("Yellowstone Club") to work at One Yellowstone Mountain Club Trail, Big Sky, Montana 59716
- C. I began my employment on November 29, 2017.
- D. The Yellowstone Club hired me in Jamaica and I came to United States to work for the Yellowstone Club on an H2B visa.
- E. All of the H2B workers employed at the Yellowstone Club at the same time as me were black Jamaicans. No other black Jamaicans worked there.
- F. When I was hired, my understanding was that Yellowstone Club would be my employer, but when I came to the United States, I was also employed by Hospitality Staffing Solution, LLC ("HSS").
- G. These employment classifications—working for HSS and being an H2B worker—had a disparate impact on black Jamaican workers based on our race, color and national origin.
- H. As a black Jamaican H2B worker, I was paid less for the same work as compared to non-black, non-Jamaican, non-H2B worker. When I requested additional compensation to eliminate this pay difference, my employers refused.
- I was also discriminated against as a black Jamaican H2b worker because my employers did not give me, or the other black Jamaican H2B workers, service charges that the non-black, non-Jamaican, non-H2B workers doing the same or similar work did receive.
- J. Cooks like me were supposed to receive a percentage of the revenue of for all food prepared in the kitchen as additional compensation. The other black Jamaican H2B cooks and I did not receive this additional compensation for our work. The non-black, non-Jamaican, non-H2B cooks did receive this additional compensation.
- K. This discrimination was not limited to cooks like me.
- L. Restaurant servers were supposed to receive a percentage of the revenue for all food and drink they served or normal tips as additional compensation. Black Jamaican H2B servers did not receive this additional compensation. The non-black, non-Jamaican, non-H2B servers did receive this additional compensation.
- M. Bartenders were supposed to receive a gratuity equal to a percentage of the price of the drinks and food (food was served at the bar) served by each bartender. Black Jamaican H2B bartenders never received this money, while non-black, non-Jamaican, non-H2B bartenders did.
- N. Housekeepers were supposed to receive pooled tips as additional compensation. Black Jamaican H2B housekeepers did not receive this additional compensation. The non-black, non-Jamaican, non-H2B housekeepers did receive this additional compensation.
- O. There was a meeting between HSS CEO Tim McPherson and the Jamaican servers, cooks, and bartenders in the middle of the ski season after complaints that black Jamaican H2B workers were not receiving the same

DocuSign Envelope ID: 97763D2:168748B989264FSEHE9PPocument 17-1 Filed 01/09/19 Page 6 of 30

compensation as non-black, non-Jamaican, non-H2B workers. In that meeting, Mr. McPherson stated that black Jamaican H2B would not receive tips because "[they] were not from here."

- P. After that meeting, a member of HSS human resources named Fay Wilson threatened a black Jamaican server who had complained during the meeting about his compensation, saying that he could always be "taken back to Jamaica."
- Q. In approximately March 2018, Cindy McPheeters, representing the Yellowstone Club's management, addressed the black Jamaican H2B workers about not receiving the additional compensation. She promised the workers that the Yellowstone Clubs would give them bonuses. These bonuses were to be put directly into their accounts with tax automatically deducted. Despite being owed thousands or tens of thousands in unpaid tips, workers received "bonuses" that ranged in size from \$0 to \$2,000 or potentially more.
- R. I understood the promise of the bonuses to be connected to our missing compensation.
- S. I also experienced discrimination in the allocation of job duties. For example, I was required to clean fryers while non-black, non-Jamaican, and non-H2B workers in the same position were not required to do this dangerous and unpleasant job.
- T. I also received more scrutiny about my sick time and hours. For example, one day I was late to work because of a medical issue and I was chastised harshly by Dan, the sous chef. Dan said, "I don't give a fuck [about your medical issue.] Make sure you are at work." Non-black, non-Jamaican, and non-H2B workers came in late or were missing from their chef stations but did not get in trouble.
- U. Only black Jamaican H2B workers were paid on pay cards and these pay card charged fees to use them.
- V. I also suffered discrimination in my commute between my lodging and work. For example, Jamaican workers were denied transportation on Yellowstone Club employee shuttles. One shuttle driver named Matt, an agent of the Yellowstone Club, refused to allow black Jamaican H2B workers to ride his hourly shuttle to and from the nearby town of Big Sky. Matt falsely claimed that the Yellowstone Club policy was to refuse to take black Jamaican H2B workers back to town on the shuttle because they were Jamaican.
- W. On another occasion, I was told by a bus driver, Matt, an agent of Yellowstone, that we should "speak English" when we rode the bus, or he would "run this fucking bus over the cliff." He was angry because he could not understand our accented English and the Jamaican English dialect that we speak in Jamaica.
 - I file this Charge on behalf of myself and all others similarly situated.

Docusign Envelope ID: 60562327104B6V8602957EH5BD-99cument 17-1 Filed 01/09/19 Page 7 of 30

CHARGE OF DISCRIMINATION		AGENCY		CHARGE NUMBER			
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completis form.	leting	FEF	PA				
this form.		X EE	ос	2	ECHWEN		
				E 62 H	Some Court Maries & Senate Sound		
State or local Age	ency, if any	(AREA CODE) H	IOME TEL	FRIONE	SEP 1 4 2018		
NAME(Indicate Mr., Ms., Mrs.)		(AREA CODE) F	10ME IEL		DENIVED EIEI D AFFIAF		
Mr. Junior Harris		(646) 988-95	560	EEUU	DENVER FIELD OFFICE		
STREET ADDRESS CITY, STATE AND ZIP CODE DATE OF BIRTH October 29, 19							
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGE AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below	ENCY, AP	PRENTICESHIP C	OMMITTE	E, STATE O	R LOCAL GOVERNMENT		
NAME Hospitality Staffing Solutions, LLC NUM 50-		EMPLOYEES, ME	MBERS		ONE (Include Area Code) 477-3866		
STREET ADDRESS CITY, S 100 Glenridge Point Parkway, Suite 400, Atlanta, G		ND ZIP CODE			COUNTY Fulton		
NAME		TELEPHONE NU	IMBER (Inc	clude Area C			
STREET ADDRESS CITY, S	STATE A	ND ZIP CODE			COUNTY		
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) X RACE X COLOR SEX RELIGION AGE X RETALIATION X NATIONAL DISABILITY OTHER ORIGIN DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST 12/7/17-4/17/18							
I. JURISDICTION: The EEOC has jurisdiction over the subject matter of this charge; Respondent is subject to the jurisdiction of the EEOC and is covered by the provisions for Title VII of the Civil Rights Act of 1964 (Title VII")							
II. PERSONAL HARM: I have been treated worse and paid less than non-black, non-Jamaican workers doing the same work, because of my race, color and national origin in violation of Title VII. I was discriminated against in the terms and conditions of my employment, including pay and job duties, and also subjected to a hostile work environment and retaliation, and subjected to policies and practices that had a disparate impact based on my race, color and national origin.							
III. DISCRIMINATION STATEMENT: CONTINUED ON NEXT PAGE							
	NOTA	ARY - (When neces	ssary for St	ate and Loca	al Requirements)		
I declare under penalty of perjury that the foregoing is true and correct.	best	of my knowledge, in	nformation a	e above cha and belief.	rge and that it is true to the		
9/13/2018 1:35:42 PM PDT	SUBS	SCRIBED AND SWi		EFORE ME	THIS DATE		

DocuSign Envelope ID: 63563271886480086295 EH589090 cument 17-1 Filed 01/09/19 Page 8 of 30

- A. I am a black Jamaican. I was born in Jamaica.
- B. I was employed as a server by Yellowstone Club Operations, LLC ("Yellowstone Club") to work at One Yellowstone Mountain Club Trail, Big Sky, Montana 59716
- C. I began my employment on December 7, 2017.
- D. The Yellowstone Club hired me in Jamaica and I came to United States to work for the Yellowstone Club on an H2B visa.
- E. All of the H2B workers employed at the Yellowstone Club at the same time as me were black Jamaicans. No other black Jamaicans worked there.
- F. When I was hired, my understanding was that Yellowstone Club would be my employer, but when I came to the United States, I was also employed by Hospitality Staffing Solution, LLC ("HSS").
- G. These employment classifications—working for HSS and being an H2B worker—had a disparate impact on black Jamaican workers based on our race, color and national origin.
- H. I was also discriminated against as a black Jamaican H2b worker because my employers did not give me, or the other black Jamaican H2B workers, extra compensation that the non-black, non-Jamaican, non-H2B workers doing the same or similar work did receive.
- Restaurant servers like me were supposed to receive a percentage of the revenue for all food and drink they
 served or normal tips as additional compensation. The other Black Jamaican H2B servers and I did not
 receive this additional compensation. The non-black, non-Jamaican, non-H2B servers did receive this
 additional compensation.
- J. Servers at my restaurant could print out a receipt of our gratuity each night. Service charges were a fixed percentage of the bill for each table served in Yellowstone Club restaurants. My receipts reflect a service charge of 20% of the bill which was thousands of dollars over the course of the season. Black Jamaican H2B servers like me never received this money, while non-black, non-Jamaican, non-H2B servers did.
- K. This discrimination was not limited to servers like me.
- L. Cooks were supposed to receive a percentage of the revenue of for all food prepared in the kitchen as additional compensation. The other black Jamaican H2B cooks did not receive this additional compensation for their work. The non-black, non-Jamaican, non-H2B cooks did receive this additional compensation.
- M. Bartenders were supposed to receive a gratuity equal to a percentage of the price of the drinks and food (food was served at the bar) served by each bartender. Black Jamaican H2B bartenders never received this money, while non-black, non-Jamaican, non-H2B bartenders did.
- N. Housekeepers were supposed to receive pooled tips as additional compensation. Black Jamaican H2B housekeepers did not receive this additional compensation. The non-black, non-Jamaican, non-H2B housekeepers did receive this additional compensation.
- O. Additionally, black Jamaican H2B servers were also not scheduled to work special functions at the Yellowstone Club, while non-black, non-Jamaican, non-H2B servers were scheduled for this work. The pay for

DocuSign, Envelope ID: 625632716365480006295 EH5B909cument 17-1 Filed 01/09/19 Page 9 of 30

these special functions was higher than the typical pay and therefore you made more money if you worked the special functions.

- P. There was a meeting between HSS CEO Tim McPherson and the Jamaican servers, cooks, and bartenders in the middle of the ski season after complaints that black Jamaican H2B workers were not receiving the same compensation as non-black, non-Jamaican, non-H2B workers. In that meeting, Mr. McPherson stated that black Jamaican H2B would not receive tips because "[they] were not from here."
- Q. After that meeting, a member of HSS human resources named Fay Wilson threatened a black Jamaican server who had complained during the meeting about his compensation, saying that he could always be "taken back to Jamaica."
- R. In approximately March 2018, Cindy McPheeters, representing the Yellowstone Club's management, addressed the black Jamaican H2B workers about not receiving the additional compensation. She promised the workers that the Yellowstone Clubs would give them bonuses. These bonuses were to be put directly into their accounts with tax automatically deducted. Despite being owed thousands or tens of thousands in unpaid tips, workers received "bonuses" that ranged in size from \$0 to \$2,000 or potentially more.
- S. I understood the promise of the bonuses to be connected to our missing compensation.

Docusign Envelope IDG PROPERTIES TO 1284 A DOCUMENT STORE TO SELECTION FOR THE PROPERTY OF THE

CHARGE OF DISCRIMINATION		AGENCY			CHARGE NUMBER			
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before this form.	completing		FEPA	FEPA				
		L X	EEOC					
	ST AND THAT					SEP 1 4 2018		
NAME(Indicate Mr., Ms., Mrs.)	ocal Agency, if an		DE) HOM	E TELE	PHONE			
		(406) 2	09-694	2	EEOC D	ENVER FIELD OFFICE		
Mr. Marcus Richards STREET ADDRESS	CITY, STATE A					DATE OF BIRTH		
3 Sawgrass Road, Apt F-14, Charleston, SC 29			,_			May 19, 1975		
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)								
NAME Hospitality Staffing Solutions, LLC	NUMBER OF 50+	EMPLOYER	ES, MEMBI	ERS	TELEPHONE (Include Area Code (877) 477-3866			
SECURIOR REPORT AND ADJUST PROPERTY AND ADJUST AND ADJUST AND ADJUST AND ADJUST	CITY, STATE A		ÞΕ		,	COUNTY		
100 Glenridge Point Parkway, Suite 400, Atlant	a, GA 303	75 - 2000 1000 - 2000 000 000	NE NI IMBI	R (Inc	lude Area C	Fulton		
TV VIII		TEEETTIO	TVE TVOIVIE	-1 (1110				
STREET ADDRESS	STREET ADDRESS CITY, STATE AND ZIP CODE					COUNTY		
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))	CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) DATE DISCRIMINATION TOOK PLACE							
X RACE X COLOR SEX	RELIGION	AGE		ARLIES 12/22	!/17-4/14	LATEST /18		
X RETALIATION X NATIONAL DISAE		OTHER						
ORIGIN				Х	CONTIN	NUING ACTION		
I. JURISDICTION: The EEOC has jurisdiction over the subject matter of this charge; Respondent is subject to the jurisdiction of the EEOC and is covered by the provisions for Title VII of the Civil Rights Act of 1964 (Title VII")								
II. PERSONAL HARM: I have been treated worse and paid less than non-black, non-Jamaican workers doing the same work, because of my race, color and national origin in violation of Title VII. I was discriminated against in the terms and conditions of my employment, including pay and job duties, and also subjected to a hostile work environment and retaliation, and subjected to policies and practices that had a disparate impact based on my race, color and national origin.								
III. DISCRIMINATION STATEMENT: CONTINUED ON NEXT PAGE								
	NOT	ARY - (Whe	n necessar	y for St	ate and Loca	al Requirements)		
		206						
I declare under penalty of perjury that the foregoing is true and correct.	best	of my knowle	edge, inforr	nation a		arge and that it is true to the		
13/09/2018 11:39:21 PDT Date Charging Part (\$\frac{1}{2}\frac{1}	SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)					THIS DATE		

- A. I am a black Jamaican. I was born in Jamaica.
- B. I was employed as a server by Yellowstone Club Operations, LLC ("Yellowstone Club") to work at One Yellowstone Mountain Club Trail, Big Sky, Montana 59716
- C. I began my employment on December 22, 2017.
- D. The Yellowstone Club hired me in Jamaica and I came to United States to work for the Yellowstone Club on an H2B visa.
- E. All of the H2B workers employed at the Yellowstone Club at the same time as me were black Jamaicans. No other black Jamaicans worked there.
- F. When I was hired, my understanding was that Yellowstone Club would be my employer, but when I came to the United States, I was also employed by Hospitality Staffing Solution, LLC ("HSS").
- G. These employment classifications—working for HSS and being an H2B worker—had a disparate impact on black Jamaican workers based on our race, color and national origin.
- H. I was also discriminated against as a black Jamaican H2b worker because my employers did not give me, or the other black Jamaican H2B workers, extra compensation that the non-black, non-Jamaican, non-H2B workers doing the same or similar work did receive.
- Restaurant servers like me were supposed to receive a percentage of the revenue for all food and drink we served or normal tips as additional compensation. The other Black Jamaican H2B servers and I did not receive this additional compensation. The non-black, non-Jamaican, non-H2B servers did receive this additional compensation.
- J. I worked with another black Jamaican H2B server at a low-end Yellowstone club restaurant. Non-black, non-Jamaican, non-H2B servers did not want to work at this restaurant because they would not receive as much compensation, particularly in tips, as they could at a more expensive restaurant. Only black Jamaican H2B server were assigned to this restaurant.
- K. I heard other workers talking about their compensation. I heard non-black, non-Jamaican, non-H2B workers say that they received \$2000 in cash tips, that it was "a good day" and that they were "killing it."
- L. This discrimination was not limited to servers like me.
- M. Cooks were supposed to receive a percentage of the revenue of for all food prepared in the kitchen as additional compensation. The other black Jamaican H2B cooks did not receive this additional compensation for their work. The non-black, non-Jamaican, non-H2B cooks did receive this additional compensation.
- N. Bartenders were supposed to receive a gratuity equal to a percentage of the price of the drinks and food (food was served at the bar) served by each bartender. Black Jamaican H2B bartenders never received this money, while non-black, non-Jamaican, non-H2B bartenders did.
- O. Housekeepers were supposed to receive pooled tips as additional compensation. Black Jamaican H2B housekeepers did not receive this additional compensation. The non-black, non-Jamaican, non-H2B housekeepers did receive this additional compensation.

DocuSign Envelope IDC PART 12:18 CHARGER 2018 ENDES GUMENT 17-1 Filed 01/09/19 Page 12 of 30

- P. Additionally, black Jamaican H2B servers were also not scheduled to work special functions at the Yellowstone Club, while non-black, non-Jamaican, non-H2B servers were scheduled for this work. The pay for these special functions was higher than the typical pay and therefore you made more money if you worked these special functions.
- Q. There was a meeting between HSS CEO Tim McPherson and the Jamaican servers, cooks, and bartenders in the middle of the ski season after complaints that black Jamaican H2B workers were not receiving the same compensation as non-black, non-Jamaican, non-H2B workers. In that meeting, Mr. McPherson stated that black Jamaican H2B would not receive tips because "[they] were not from here."
- R. After that meeting, a member of HSS human resources named Fay Wilson threatened a black Jamaican server who had complained during the meeting about his compensation, saying that he could always be "taken back to Jamaica."
- S. In approximately March 2018, Cindy McPheeters, representing the Yellowstone Club's management, addressed the black Jamaican H2B workers about not receiving the additional compensation. She promised the workers that the Yellowstone Clubs would give them bonuses. These bonuses were to be put directly into their accounts with tax automatically deducted. Despite being owed thousands or tens of thousands in unpaid tips, workers received "bonuses" that ranged in size from \$0 to \$2,000 or potentially more.
- T. I understood the promise of the bonuses to be connected to our missing compensation.
- U. Only black Jamaican H2B workers were paid on pay cards and these pay card charged fees to use them.
- V. I also suffered discrimination in my commute back and forth from my lodgings and work. For example, I and other black Jamaican H2B workers were denied transportation on Yellowstone Club employee shuttles. One night on my day off, I tried to take the Yellowstone Club shuttle for workers to the town center in Big Sky to buy some food and medicine. One shuttle driver named Matt, an agent of the Yellowstone Club, refused to allow black Jamaican H2B workers to ride his hourly shuttle to and from the nearby town of Big Sky. Matt falsely claimed that the Yellowstone Club policy was to refuse to take Jamaican workers back to town on the shuttle because they were Jamaican. I am aware that non-black, non-Jamaican, non-H2B workers were allowed to use the shuttle for this purpose. The shuttle was our transportation between our lodging, the town of Big Sky and the resort. We relied on it to get food and medicine.

CHARGE OF DISCRIMINATION		AGENCY		CHAF		RGE NUMBER	
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before this form.	completing		FEPA				
un on.		X	EEOC				
50 YEAR WANTED COMP. SERVICE SERVICE STORM	cal Agency, if any	(AREA CO	DE) HOME	TELE	PHONE	The second second	
NAME(Indicate Mr., Ms., Mrs.)					LITIONE	SEP 1 4 2018	
Ms. Stephaney Smith		(406) 5	39-062	7	PEA	A Dieta in bear to bear	
street ADDRESS 3 Sawgrass Road, Apt 7F, Charleston, SC 2941	CITY, STATE A	ND ZIP COD	E			02/22/1988	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMEN' AGENCY WHO DISCRIMINATED AGAINST ME (If more than one lis		PRENTICES	HIP COM	/ITTE	E, STATE OF	R LOCAL GOVERNMENT	
NAME Hospitality Staffing Solutions, LLC	NUMBER OF 50+	EMPLOYEE	S, MEMBE	RS		NE (Include Area Code) 77-3866	
Visitation Control of the Control of	CITY, STATE A		E			COUNTY	
100 Glenridge Point Parkway, Suite 400, Atlanta	a, GA 3034		JE NI IMPE	D /Ino	lude Area Co	Fulton	
IVAIVIL		TELEPHOI	NE NOMBE	.IX (IIIC			
STREET ADDRESS	REET ADDRESS CITY, STATE AND ZIP CODE				COUNTY		
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST						ION TOOK PLACE ATEST	
X RACE X COLOR SEX	RELIGION	AGE			/17-4/17/		
X RETALIATION X NATIONAL DISAB	BILITY	OTHER		-			
ORIGIN				Х	X CONTINUING ACTION		
I. JURISDICTION: The EEOC has jurisdiction over the subject matter of this charge; Respondent is subject to the jurisdiction of the EEOC and is covered by the provisions for Title VII of the Civil Rights Act of 1964 (Title VII")							
II. PERSONAL HARM: I have been treated worse and paid less than non-black, non-Jamaican workers doing the same work, because of my race, color and national origin in violation of Title VII. I was discriminated against in the terms and conditions of my employment, including pay and job duties, and also subjected to a hostile work environment and retaliation, and subjected to policies and practices that had a disparate impact based on my race, color and national origin.							
III. DISCRIMINATION STATEMENT: CONTINUED ON NEXT PAGE							
	NOT	ARY - (When	necessary	for St	ate and Loca	l Requirements)	
I declare under penalty of perjury that the foregoing is true and correct.	best	ear or affirm the of my knowle	dge, inform	ation		rge and that it is true to the	
9/13/2018 9:41:53 AM PDT Signed by: Occusioned by: 43E7D5EFC96E407 Charging Party (Signature)		SCRIBED AN month, and ye		І ТО В	EFORE ME	THIS DATE	

- A. I am a black Jamaican. I was born in Jamaica.
- B. I was employed as a housekeeper by Yellowstone Club Operations, LLC ("Yellowstone Club") to work at One Yellowstone Mountain Club Trail, Big Sky, Montana 59716
- C. I began my employment on December 21, 2017.
- D. The Yellowstone Club hired me in Jamaica and I came to United States to work for the Yellowstone Club on an H2B visa.
- E. All of the H2B workers employed at the Yellowstone Club at the same time as me were black Jamaicans. No other black Jamaicans worked there.
- F. When I was hired, my understanding was that Yellowstone Club would be my employer, but when I came to the United States, I was also employed by Hospitality Staffing Solution, LLC ("HSS").
- G. These employment classifications—working for HSS and being an H2B worker—had a disparate impact on black Jamaican workers based on our race, color and national origin.
- H. I was also discriminated against as a black Jamaican H2b worker because my employers did not give me, or the other black Jamaican H2B workers, extra compensation that the non-black, non-Jamaican, non-H2B workers doing the same or similar work did receive.
- Housekeepers like me were supposed to receive pooled tips as additional compensation. The other Black Jamaican H2B housekeepers and I did not receive this additional compensation. The non-black, non-Jamaican, non-H2B housekeepers did receive this additional compensation.
- J. Fay Wilson from HSS told the black Jamaican H2B housekeeper that we would be tip pool and could expect about \$45 a day from the tip pool. We never received any of this extra compensation.
- K. This discrimination was not limited to housekeepers like me.
- L. Cooks were supposed to receive a percentage of the revenue of for all food prepared in the kitchen as additional compensation. The black Jamaican H2B cooks did not receive this additional compensation for our work. The non-black, non-Jamaican, non-H2B cooks did receive this additional compensation.
- M. Restaurant servers were supposed to receive a percentage of the revenue for all food and drink they served or normal tips as additional compensation. The black Jamaican H2B servers did not receive this additional compensation. The non-black, non-Jamaican, non-H2B servers did receive this additional compensation.
- N. Additionally, black Jamaican H2B housekeepers like me were disproportionately given night shifts, which were cold and had limited access to transportation, since the employee shuttle did not run late enough on most days.
- O. Only black Jamaican H2B workers were paid on pay cards and these pay card charged fees to use them.
- P. About 2 months before the end of my work, the black Jamaican H2B housekeepers asked the employers about their missing tips. There was a meeting with the black Jamaican H2B housekeepers, Sheldon Brown (who I believe was a Jamaican government official), Tim McPherson from HSS, and Fay Wilson from HSS. We

were told that we would get our tips at the end of our employment. The other black Jamaican H2B housekeepers and I did not receive any tips at the end of our employment, though some received "bonuses" that were substantially less than the missing compensation.

DocuSign Envelope ID F868 Si-128C64F200626 FETTER COMMENT 17-1 Filed 01/09/19 Page 16 of 30

CHARGE OF DISCRIMINATION		AGENCY			CHARGE NUMBER		
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before complethis form.	eting	X	FEPA EEOC		RE	CEIVED	
SEP 1 4 2018							
State or local Age NAME(Indicate Mr., Ms., Mrs.)	ency, if any	(AREA COI	DE) HOM	E TELI			
		876-480	1_4703		EEOC	DENVER FIELD OFFICE	
Ms. Tasheka Bryan STREET ADDRESS CITY S	STATE A	ND ZIP CODE				DATE OF BIRTH	
123 Mansfield Heights, Ocho Rios, St Ann, Jamaica		IND ZIF CODE	_			February 10, 1991	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGE AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below	NCY, AF w.)	PPRENTICES	HIP COM	MITTE	E, STATE OI	R LOCAL GOVERNMENT	
NAME YELLOWSTONE CLUB OPERATIONS, LLC 50-		EMPLOYEES	S, MEMBE	ERS		NE (Include Area Code) 995-4900	
STREET ADDRESS CITY, S	STATE A	ND ZIP CODE	Ē			COUNTY	
One Yellowstone Mountain Club Trail, Big Sky, Mont	ana 5	9716				Madison/ Gallatin	
NAME	TELEPHONE NUMBER (Include Area C					ode)	
STREET ADDRESS CITY, S	TY, STATE AND ZIP CODE					COUNTY	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) RACE X COLOR SEX RELIGION AGE TIZ/14/17-4/11/18 I. JURISDICTION: The EEOC has jurisdiction over the subject matter of this charge; Respondent is subject to the jurisdiction of the EEOC and is covered by the provisions for Title VII of the Civil Rights Act of 1964 (Title VII') II. PERSONAL HARM: I have been treated worse and paid less than non-black, non-Jamaican workers doing the same work, because of my race, color and national origin in violation of Title VII. I was discriminated against in the terms and conditions of my employment, including pay and job duties, and also subjected to a hostile work environment and retaliation, and subjected to policies and practices that had a disparate impact based on my race, color and national origin. III. DISCRIMINATION STATEMENT: CONTINUED ON NEXT PAGE							
	NOT	ARY - (When	necessary	for St	ate and Loca	al Requirements)	
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. 9/13/2018 3:52:29 PM PDT Docusigned by: Charging Party (Signature)	I swear or affirm that I have read the above charge and that it is true best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)						

Docusign Envelope ID B 18 7-52 + 18 C 6 4 F D 8 6 2 6 5 F 5 7 E 8 D Cument 17-1 Filed 01/09/19 Page 17 of 30

- I believe I was discriminated against and retaliated against based on my race, color, and national origin because:
- A. I am a black Jamaican. I was born in Jamaica.
- B. I was employed as a bartender by Yellowstone Club Operations, LLC ("Yellowstone Club") to work at One Yellowstone Mountain Club Trail, Big Sky, Montana 59716
- C. I began my employment on December 14, 2017.
- D. The Yellowstone Club hired me in Jamaica and I came to United States to work for the Yellowstone Club on an H2B visa.
- E. All of the H2B workers employed at the Yellowstone Club at the same time as me were black Jamaicans. No other black Jamaicans worked there.
- F. When I was hired, my understanding was that Yellowstone Club would be my employer, but when I came to the United States, I was also employed by Hospitality Staffing Solution, LLC ("HSS").
- G. These employment classifications—working for HSS and being an H2B worker—had a disparate impact on black Jamaican workers based on our race, color and national origin.
- H. I was also discriminated against as a black Jamaican H2B worker because my employers did not give me, or the other black Jamaican H2B workers, extra compensation that the non-black, non-Jamaican, non-H2B workers doing the same or similar work did receive.
- I. Bartenders like me were supposed to receive a percentage of the revenue for all food and drink they served or normal tips as additional compensation. The other Black Jamaican H2B bartenders and I did not receive this additional compensation. The non-black, non-Jamaican, non-H2B bartenders did receive this additional compensation.
- J. Bartenders at my restaurant could print out a receipt at the end of the night that showed how much gratuity we accrued that night. These gratuities were a percentage of the price of the drinks and food (food was served at the bar) served by each bartender. Black Jamaican H2B bartenders like me never received this money, while non-black, non-Jamaican, non-H2B bartenders did.
- K. In the beginning of my employment, I signed in daily with my own bartender number and my gratuity that I could see on the receipt at the end of each night accrued to my number. I never received this gratuity. Later a Yellowstone supervisor, Clay, told me and other Black Jamaican bartenders to sign in under the restaurant name instead of our personal numbers. When I asked why, he said that our gratuity would be pooled and given to us at the end. We did not receive any of these gratuities. Black Jamaican H2B bartenders like me never received this money, while non-black, non-Jamaican, non-H2B bartenders did.
- L. This discrimination was not limited to bartenders like me.
- M. Restaurant servers were supposed to receive a percentage of the revenue for all food and drink they served or normal tips as additional compensation. Black Jamaican H2B servers did not receive this additional compensation. The non-black, non-Jamaican, non-H2B servers did receive this additional compensation.

- N. Cooks were supposed to receive a percentage of the revenue of for all food prepared in the kitchen as additional compensation. The other black Jamaican H2B cooks did not receive this additional compensation for their work. The non-black, non-Jamaican, non-H2B cooks did receive this additional compensation.
- O. Housekeepers were supposed to receive pooled tips as additional compensation. Black Jamaican H2B housekeepers did not receive this additional compensation. The non-black, non-Jamaican, non-H2B housekeepers did receive this additional compensation.
- P. There was a meeting between HSS CEO Tim McPherson and the Jamaican servers, cooks, and bartenders in the middle of the ski season after complaints that black Jamaican H2B workers were not receiving the same compensation as non-black, non-Jamaican, non-H2B workers. In that meeting, Mr. McPherson stated that black Jamaican H2B would not receive tips because "[they] were not from here."
- Q. After that meeting, a member of HSS human resources named Fay Wilson threatened a black Jamaican server who had complained during the meeting about his compensation, saying that he could always be "taken back to Jamaica."
- R. In approximately March 2018, Cindy McPheeters, representing the Yellowstone Club's management, addressed the black Jamaican H2B workers about not receiving the additional compensation. She promised the workers that the Yellowstone Clubs would give them bonuses. These bonuses were to be put directly into their accounts with Yellowstone paying extra to cover the taxes. Despite being owed thousands or tens of thousands in unpaid tips, workers received "bonuses" that ranged in size from \$0 to \$2,000 or potentially more.
- S. I understood the promise of the bonuses to be connected to our missing compensation.
- T. Only black Jamaican H2B workers were paid on pay cards and these pay card charged fees to use them.
- U. HSS and the Yellowstone didn't want me and other black Jamaicans H2B workers to call in sick. If we did call in sick, they would ask us to come to work anyway. Non-black, non-Jamaican, non-H2B workers could simply not show up if they were sick with no repercussions. For example, when I was injured on the job and cut my leg on a piece of broken glass, I received three stitches at the hospital and visited the hospital a second time for pain. After that, the supervisor texted me every day telling me that I needed to work. Non-black, non-Jamaican, non-H2B workers would not have been pressured to work while injured.

Docusign Envelope ID-0116ABA-12896-VEQQ062-CSEH-9C DOCUMENT 17-1 Filed 01/09/19 Page 19 of 30

CHARGE OF DISCRIMINATION		AGENCY		CHARGE NUMBER			
This form is affected by the Privacy Act of 1974; See Privacy Act Statement befor this form.	re completing	X	FEPA X EEOC				
State or I	ocal Agency, if any				SEP 1 4 2018		
NAME(Indicate Mr., Ms., Mrs.)		(AREA COE	DE) HOME T	ELEPHONE	PAILUTA MICH O OCCIOE		
Mr. Nicholas Douglas	1000	(843) 53	34-3816	EEUUU	ENVER FIELD OFFICE		
street ADDRESS 3 Sawgrass Road, Apt I1 Charleston, SC 29412	CITY, STATE A	ND ZIP CODE	.		DATE OF BIRTH May 27, 1985		
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMEN AGENCY WHO DISCRIMINATED AGAINST ME (If more than one lis	NT AGENCY, AF	PRENTICES	HIP COMMIT	TEE, STATE	OR LOCAL GOVERNMENT		
NAME YELLOWSTONE CLUB OPERATIONS, LLC	NUMBER OF 50+	EMPLOYEES	S, MEMBER	1	IONE (Include Area Code) 995-4900		
STREET ADDRESS	CITY, STATE A	ND ZIP CODE			COUNTY		
One Yellowstone Mountain Club Trail, Big Sky,	Montana 5	9716			Madison/ Gallatin		
NAME		TELEPHON	E NUMBER	(Include Area			
STREET ADDRESS	CITY, STATE A	ND ZIP CODE			COUNTY		
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es),)				ATION TOOK PLACE		
X RACE X COLOR SEX RELIGION AGE 11/29/17-3/24/18							
	RELIGION BILITY	OTHER	''	120/11 0/2	47.10		
ORIGIN	DILITI	OTHER		X CONTINUING ACTION			
 I. JURISDICTION: The EEOC has jurisdiction over the subject matter of this charge; Respondent is subject to the jurisdiction of the EEOC and is covered by the provisions for Title VII of the Civil Rights Act of 1964 (Title VII") II. PERSONAL HARM: I have been treated worse and paid less than non-black, non-Jamaican workers doing 							
the same work, because of my race, color and national origin in violation of Title VII. I was discriminated against in the terms and conditions of my employment, including pay and job duties, and also subjected to a hostile work environment and retaliation, and subjected to policies and practices that had a disparate impact based on my race, color and national origin.							
III. DISCRIMINATION STATEMENT: CONTINUED ON NEXT PAGE					997777711111111111111111111111111111111		
	NOT	ARY - (When I	necessary fo	r State and Lo	cal Requirements)		
I declare under penalty of perjury that the foregoing is true and correct.	best	of my kn owled	dge, informa	tion and belief.	arge and that it is true to the		
9/13/2018 9:53:05 AM PDT Date DocuSigned by: SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)					E THIS DATE		

- A. I am a black Jamaican. I was born in Jamaica.
- B. I was employed as a cook by Yellowstone Club Operations, LLC ("Yellowstone Club") to work at One Yellowstone Mountain Club Trail, Big Sky, Montana 59716
- C. I began my employment on November 29, 2017.
- D. The Yellowstone Club hired me in Jamaica and I came to United States to work for the Yellowstone Club on an H2B visa.
- E. All of the H2B workers employed at the Yellowstone Club at the same time as me were black Jamaicans. No other black Jamaicans worked there.
- F. When I was hired, my understanding was that Yellowstone Club would be my employer, but when I came to the United States, I was also employed by Hospitality Staffing Solution, LLC ("HSS").
- G. These employment classifications—working for HSS and being an H2B worker—had a disparate impact on black Jamaican workers based on our race, color and national origin.
- H. As a black Jamaican H2B worker, I was paid less for the same work as compared to non-black, non-Jamaican, non-H2B worker. When I requested additional compensation to eliminate this pay difference, my employers refused.
- I was also discriminated against as a black Jamaican H2b worker because my employers did not give me, or the other black Jamaican H2B workers, service charges that the non-black, non-Jamaican, non-H2B workers doing the same or similar work did receive.
- J. Cooks like me were supposed to receive a percentage of the revenue of for all food prepared in the kitchen as additional compensation. The other black Jamaican H2B cooks and I did not receive this additional compensation for our work. The non-black, non-Jamaican, non-H2B cooks did receive this additional compensation.
- K. This discrimination was not limited to cooks like me.
- L. Restaurant servers were supposed to receive a percentage of the revenue for all food and drink they served or normal tips as additional compensation. Black Jamaican H2B servers did not receive this additional compensation. The non-black, non-Jamaican, non-H2B servers did receive this additional compensation.
- M. Bartenders were supposed to receive a gratuity equal to a percentage of the price of the drinks and food (food was served at the bar) served by each bartender. Black Jamaican H2B bartenders never received this money, while non-black, non-Jamaican, non-H2B bartenders did.
- N. Housekeepers were supposed to receive pooled tips as additional compensation. Black Jamaican H2B housekeepers did not receive this additional compensation. The non-black, non-Jamaican, non-H2B housekeepers did receive this additional compensation.
- O. There was a meeting between HSS CEO Tim McPherson and the Jamaican servers, cooks, and bartenders in the middle of the ski season after complaints that black Jamaican H2B workers were not receiving the same

DocuSign Envelope ID GASAB 2:1289 CYEAR OLD COMMENT 17-1 Filed 01/09/19 Page 21 of 30

compensation as non-black, non-Jamaican, non-H2B workers. In that meeting, Mr. McPherson stated that black Jamaican H2B would not receive tips because "[they] were not from here."

- P. After that meeting, a member of HSS human resources named Fay Wilson threatened a black Jamaican server who had complained during the meeting about his compensation, saying that he could always be "taken back to Jamaica."
- Q. In approximately March 2018, Cindy McPheeters, representing the Yellowstone Club's management, addressed the black Jamaican H2B workers about not receiving the additional compensation. She promised the workers that the Yellowstone Clubs would give them bonuses. These bonuses were to be put directly into their accounts with tax automatically deducted. Despite being owed thousands or tens of thousands in unpaid tips, workers received "bonuses" that ranged in size from \$0 to \$2,000 or potentially more.
- R. I understood the promise of the bonuses to be connected to our missing compensation.
- S. I also experienced discrimination in the allocation of job duties. For example, I was required to clean fryers while non-black, non-Jamaican, and non-H2B workers in the same position were not required to do this dangerous and unpleasant job.
- T. I also received more scrutiny about my sick time and hours. For example, one day I was late to work because of a medical issue and I was chastised harshly by Dan, the sous chef. Dan said, "I don't give a fuck [about your medical issue.] Make sure you are at work." Non-black, non-Jamaican, and non-H2B workers came in late or were missing from their chef stations but did not get in trouble.
- U. Only black Jamaican H2B workers were paid on pay cards and these pay card charged fees to use them.
- V. I also suffered discrimination in my commute between my lodging and work. For example, Jamaican workers were denied transportation on Yellowstone Club employee shuttles. One shuttle driver named Matt, an agent of the Yellowstone Club, refused to allow black Jamaican H2B workers to ride his hourly shuttle to and from the nearby town of Big Sky. Matt falsely claimed that the Yellowstone Club policy was to refuse to take black Jamaican H2B workers back to town on the shuttle because they were Jamaican.
- W. On another occasion, I was told by a bus driver, Matt, an agent of Yellowstone, that we should "speak English" when we rode the bus, or he would "run this fucking bus over the cliff." He was angry because he could not understand our accented English and the Jamaican English dialect that we speak in Jamaica.
 - I file this Charge on behalf of myself and all others similarly situated.

Docusign Envelope ID 42849324-1886447-994-96-20 FEHDD Agroument 17-1 Filed 01/09/19 Page 22 of 30

CHARGE OF DISCRIMINATION		AGENCY			CHARGE NUMBER			
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before countries form.	ompleting	X EE			CEVED			
	l Agency, if any	(AREA CODE) H	OME TELE	PHONE	and make a control			
NAME(Indicate Mr., Ms., Mrs.)		(646) 988-95		EEOCDE	NVER FIELD OFFICE			
Mr. Junior Harris								
7878 Park Gate Dr., North Charleston, SC 29418	ΓY, STATE AI	ND ZIP CODE			October 29, 1989			
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)								
- [12] [12] [13] [14] [14] [15] [15] [15] [15] [15] [15] [15] [15					NE (Include Area Code) 995-4900			
STREET ADDRESS CIT	TY, STATE A	ND ZIP CODE			COUNTY			
One Yellowstone Mountain Club Trail, Big Sky, Mo	ontana 5	9716			Madison/ Gallatin			
NAME		TELEPHONE NU	ode)					
STREET ADDRESS CITY, STATE AND ZIP CODE					COUNTY			
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) A RACE X COLOR SEX RELIGION AGE X RETALIATION X NATIONAL DISABILITY OTHER DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST 12/7/17-4/17/18								
ORIGIN			X	CONTIN	IUING ACTION			
I. JURISDICTION: The EEOC has jurisdiction over the subject matter of this charge; Respondent is subject to the jurisdiction of the EEOC and is covered by the provisions for Title VII of the Civil Rights Act of 1964 (Title VII")								
II. PERSONAL HARM: I have been treated worse and paid less than non-black, non-Jamaican workers doing the same work, because of my race, color and national origin in violation of Title VII. I was discriminated against in the terms and conditions of my employment, including pay and job duties, and also subjected to a hostile work environment and retaliation, and subjected to policies and practices that had a disparate impact based on my race, color and national origin.								
III. DISCRIMINATION STATEMENT: CONTINUED ON NEXT PAGE								
	NOTA	ARY - (When neces	ssary for Sta	ate and Loca	al Requirements)			
I declare under penalty of perjury that the foregoing is true and correct.	best	of my knowledge, ir	nformation a		rge and that it is true to the			
9/13/2018 1:31:08 PM PDT DocuSigned by: 9/13/2018 1:31:08 PM PDT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)								

- A. I am a black Jamaican. I was born in Jamaica.
- B. I was employed as a server by Yellowstone Club Operations, LLC ("Yellowstone Club") to work at One Yellowstone Mountain Club Trail, Big Sky, Montana 59716
- C. I began my employment on December 7, 2017.
- D. The Yellowstone Club hired me in Jamaica and I came to United States to work for the Yellowstone Club on an H2B visa.
- E. All of the H2B workers employed at the Yellowstone Club at the same time as me were black Jamaicans. No other black Jamaicans worked there.
- F. When I was hired, my understanding was that Yellowstone Club would be my employer, but when I came to the United States, I was also employed by Hospitality Staffing Solution, LLC ("HSS").
- G. These employment classifications—working for HSS and being an H2B worker—had a disparate impact on black Jamaican workers based on our race, color and national origin.
- H. I was also discriminated against as a black Jamaican H2b worker because my employers did not give me, or the other black Jamaican H2B workers, extra compensation that the non-black, non-Jamaican, non-H2B workers doing the same or similar work did receive.
- Restaurant servers like me were supposed to receive a percentage of the revenue for all food and drink they
 served or normal tips as additional compensation. The other Black Jamaican H2B servers and I did not
 receive this additional compensation. The non-black, non-Jamaican, non-H2B servers did receive this
 additional compensation.
- J. Servers at my restaurant could print out a receipt of our gratuity each night. Service charges were a fixed percentage of the bill for each table served in Yellowstone Club restaurants. My receipts reflect a service charge of 20% of the bill which was thousands of dollars over the course of the season. Black Jamaican H2B servers like me never received this money, while non-black, non-Jamaican, non-H2B servers did.
- K. This discrimination was not limited to servers like me.
- L. Cooks were supposed to receive a percentage of the revenue of for all food prepared in the kitchen as additional compensation. The other black Jamaican H2B cooks did not receive this additional compensation for their work. The non-black, non-Jamaican, non-H2B cooks did receive this additional compensation.
- M. Bartenders were supposed to receive a gratuity equal to a percentage of the price of the drinks and food (food was served at the bar) served by each bartender. Black Jamaican H2B bartenders never received this money, while non-black, non-Jamaican, non-H2B bartenders did.
- N. Housekeepers were supposed to receive pooled tips as additional compensation. Black Jamaican H2B housekeepers did not receive this additional compensation. The non-black, non-Jamaican, non-H2B housekeepers did receive this additional compensation.

Docusign Envelope ID Casa 2418 CANTE OF DOCUMENT 17-1 Filed 01/09/19 Page 24 of 30

- O. Additionally, black Jamaican H2B servers were also not scheduled to work special functions at the Yellowstone Club, while non-black, non-Jamaican, non-H2B servers were scheduled for this work. The pay for these special functions was higher than the typical pay and therefore you made more money if you worked the special functions.
- P. There was a meeting between HSS CEO Tim McPherson and the Jamaican servers, cooks, and bartenders in the middle of the ski season after complaints that black Jamaican H2B workers were not receiving the same compensation as non-black, non-Jamaican, non-H2B workers. In that meeting, Mr. McPherson stated that black Jamaican H2B would not receive tips because "[they] were not from here."
- Q. After that meeting, a member of HSS human resources named Fay Wilson threatened a black Jamaican server who had complained during the meeting about his compensation, saying that he could always be "taken back to Jamaica."
- R. In approximately March 2018, Cindy McPheeters, representing the Yellowstone Club's management, addressed the black Jamaican H2B workers about not receiving the additional compensation. She promised the workers that the Yellowstone Clubs would give them bonuses. These bonuses were to be put directly into their accounts with tax automatically deducted. Despite being owed thousands or tens of thousands in unpaid tips, workers received "bonuses" that ranged in size from \$0 to \$2,000 or potentially more.
- S. I understood the promise of the bonuses to be connected to our missing compensation.
 - I file this Charge on behalf of myself and all others similarly situated.

CHARGE OF DISCRIMINATION		AGE	NCY	CHARGE NUMBER			
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.			FEPA	lorena i	Comment of the Commen		
		X	EEOC				
State or le	nool Agonov, if an			10-100	SEP 1 4 2018		
NAME(Indicate Mr., Ms., Mrs.)	ocal Agency, if any		DE) HOME	TELEPHONE			
Mr. Marcus Richards		(406) 20	09-6942	EEOC	DENVERFIELD OFFICE		
V	CITY, STATE A	ND ZIP CODI	Ε		DATE OF BIRTH		
3 Sawgrass Road, Apt F-14, Charleston, SC 29					May 19, 1975		
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMEN AGENCY WHO DISCRIMINATED AGAINST ME (If more than one lis		PRENTICES	HIP COMMI	TTEE, STATE C	OR LOCAL GOVERNMENT		
NAME YELLOWSTONE CLUB OPERATIONS, LLC	NUMBER OF 50+	EMPLOYEE	S, MEMBER		ONE (Include Area Code) 995-4900		
NOW, NO THE CONTROL OF THE CONTROL O	CITY, STATE A		<u> </u>		COUNTY		
One Yellowstone Mountain Club Trail, Big Sky, I	Montana 5	9716			Madison/ Gallatin		
NAME		TELEPHON	IE NUMBER	(Include Area C	Code)		
STREET ADDRESS (CITY, STATE AI	ND ZIP CODE			COUNTY		
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))	ĺ				TION TOOK PLACE		
X RACE X COLOR SEX	RELIGION	AGE		LIEST 1 /22/17-4/14	LATEST 1 /18		
X RETALIATION X NATIONAL DISAE		OTHER					
ORIGIN				X CONTI	NUING ACTION		
I. JURISDICTION: The EEOC has jurisdiction of the jurisdiction of the EEOC and is covered by the JVII")		•		•			
II. PERSONAL HARM: I have been treated worse and paid less than non-black, non-Jamaican workers doing the same work, because of my race, color and national origin in violation of Title VII. I was discriminated against in the terms and conditions of my employment, including pay and job duties, and also subjected to a hostile work environment and retaliation, and subjected to policies and practices that had a disparate impact based on my race, color and national origin.							
III. DISCRIMINATION STATEMENT: CONTINUED ON NEXT PAGE							
	NOT	ARY - (When	necessary fo	or State and Loc	al Requirements)		
I declare under penalty of perjury that the foregoing is true and correct.	best	of my knowled	dge, informat	ion and belief.	arge and that it is true to the		
DocuSigned by:	SIGN	IATURE OF C	COMPLAINA	NT			
13/09/2018 11:41:45 PDT Date Charging Party (Signature) Charging Party (Signature)		SCRIBED AN month, and yea		O BEFORE ME	THIS DATE		

- A. I am a black Jamaican. I was born in Jamaica.
- B. I was employed as a server by Yellowstone Club Operations, LLC ("Yellowstone Club") to work at One Yellowstone Mountain Club Trail, Big Sky, Montana 59716
- C. I began my employment on December 22, 2017.
- D. The Yellowstone Club hired me in Jamaica and I came to United States to work for the Yellowstone Club on an H2B visa.
- E. All of the H2B workers employed at the Yellowstone Club at the same time as me were black Jamaicans. No other black Jamaicans worked there.
- F. When I was hired, my understanding was that Yellowstone Club would be my employer, but when I came to the United States, I was also employed by Hospitality Staffing Solution, LLC ("HSS").
- G. These employment classifications—working for HSS and being an H2B worker—had a disparate impact on black Jamaican workers based on our race, color and national origin.
- H. I was also discriminated against as a black Jamaican H2b worker because my employers did not give me, or the other black Jamaican H2B workers, extra compensation that the non-black, non-Jamaican, non-H2B workers doing the same or similar work did receive.
- Restaurant servers like me were supposed to receive a percentage of the revenue for all food and drink we served or normal tips as additional compensation. The other Black Jamaican H2B servers and I did not receive this additional compensation. The non-black, non-Jamaican, non-H2B servers did receive this additional compensation.
- J. I worked with another black Jamaican H2B server at a low-end Yellowstone club restaurant. Non-black, non-Jamaican, non-H2B servers did not want to work at this restaurant because they would not receive as much compensation, particularly in tips, as they could at a more expensive restaurant. Only black Jamaican H2B server were assigned to this restaurant.
- K. I heard other workers talking about their compensation. I heard non-black, non-Jamaican, non-H2B workers say that they received \$2000 in cash tips, that it was "a good day" and that they were "killing it."
- L. This discrimination was not limited to servers like me.
- M. Cooks were supposed to receive a percentage of the revenue of for all food prepared in the kitchen as additional compensation. The other black Jamaican H2B cooks did not receive this additional compensation for their work. The non-black, non-Jamaican, non-H2B cooks did receive this additional compensation.
- N. Bartenders were supposed to receive a gratuity equal to a percentage of the price of the drinks and food (food was served at the bar) served by each bartender. Black Jamaican H2B bartenders never received this money, while non-black, non-Jamaican, non-H2B bartenders did.
- O. Housekeepers were supposed to receive pooled tips as additional compensation. Black Jamaican H2B housekeepers did not receive this additional compensation. The non-black, non-Jamaican, non-H2B housekeepers did receive this additional compensation.

- P. Additionally, black Jamaican H2B servers were also not scheduled to work special functions at the Yellowstone Club, while non-black, non-Jamaican, non-H2B servers were scheduled for this work. The pay for these special functions was higher than the typical pay and therefore you made more money if you worked these special functions.
- Q. There was a meeting between HSS CEO Tim McPherson and the Jamaican servers, cooks, and bartenders in the middle of the ski season after complaints that black Jamaican H2B workers were not receiving the same compensation as non-black, non-Jamaican, non-H2B workers. In that meeting, Mr. McPherson stated that black Jamaican H2B would not receive tips because "[they] were not from here."
- R. After that meeting, a member of HSS human resources named Fay Wilson threatened a black Jamaican server who had complained during the meeting about his compensation, saying that he could always be "taken back to Jamaica."
- S. In approximately March 2018, Cindy McPheeters, representing the Yellowstone Club's management, addressed the black Jamaican H2B workers about not receiving the additional compensation. She promised the workers that the Yellowstone Clubs would give them bonuses. These bonuses were to be put directly into their accounts with tax automatically deducted. Despite being owed thousands or tens of thousands in unpaid tips, workers received "bonuses" that ranged in size from \$0 to \$2,000 or potentially more.
- T. I understood the promise of the bonuses to be connected to our missing compensation.
- U. Only black Jamaican H2B workers were paid on pay cards and these pay card charged fees to use them.
- V. I also suffered discrimination in my commute back and forth from my lodgings and work. For example, I and other black Jamaican H2B workers were denied transportation on Yellowstone Club employee shuttles. One night on my day off, I tried to take the Yellowstone Club shuttle for workers to the town center in Big Sky to buy some food and medicine. One shuttle driver named Matt, an agent of the Yellowstone Club, refused to allow black Jamaican H2B workers to ride his hourly shuttle to and from the nearby town of Big Sky. Matt falsely claimed that the Yellowstone Club policy was to refuse to take Jamaican workers back to town on the shuttle because they were Jamaican. I am aware that non-black, non-Jamaican, non-H2B workers were allowed to use the shuttle for this purpose. The shuttle was our transportation between our lodging, the town of Big Sky and the resort. We relied on it to get food and medicine.

Docusign Envelope IDC 38536D2F-14816C W7CD 010612-6S-12715 A62040C ument 17-1 Filed 01/09/19 Page 28 of 30

CHARGE OF DISCRIMINATION	GE OF DISCRIMINATION AGE		AGENCY		CHARGE NUMBER		
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before c this form.	completing		FEPA				
		X	EEOC				
				70	pr-3 0-	- ()	
	al Agency, if any	(AREA COI	OF) HOME	TELE	PHONE	The second second	
NAME(Indicate Mr., Ms., Mrs.)		*				SEP 1 4 2018	
Ms. Stephaney Smith		(406) 53	39-0627			THE PARTY OF THE P	
street ADDRESS cr 3 Sawgrass Road, Apt 7F, Charleston, SC 29412	TY, STATE A	ND ZIP CODI	Ē		EEOC	DATE OF BIRTH 02/22/1988	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list is		PRENTICES	HIP COMM	ITTEE	, STATE O	R LOCAL GOVERNMENT	
	NUMBER OF 50+	EMPLOYEE	S, MEMBEI	RS		NE (Include Area Code) 195-4900	
STREET ADDRESS CI	TY, STATE AI	ND ZIP CODE	=			COUNTY	
One Yellowstone Mountain Club Trail, Big Sky, M	lontana 5	9716				Madison/ Gallatin	
NAME	NAME TELEPHONE NUMBER (
STREET ADDRESS CI	ET ADDRESS CITY, STATE AND ZIP CODE					COUNTY	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))						TION TOOK PLACE	
X RACE X COLOR SEX R	RELIGION	AGE		RLIES 2/21 .	, /17-4/17	.ATEST / 18	
X RETALIATION X NATIONAL DISABIL		OTHER					
ORIGIN				Χ	CONTIN	IUING ACTION	
I. JURISDICTION: The EEOC has jurisdiction of the jurisdiction of the EEOC and is covered by the privile.")							
II. PERSONAL HARM: I have been treated worse and paid less than non-black, non-Jamaican workers doing the same work, because of my race, color and national origin in violation of Title VII. I was discriminated against in the terms and conditions of my employment, including pay and job duties, and also subjected to a hostile work environment and retaliation, and subjected to policies and practices that had a disparate impact based on my race, color and national origin.							
III. DISCRIMINATION STATEMENT: CONTINUED ON NEXT PAGE					······································		
	NOT	ARY - (When	necessary	for Sta	ite and Loca	al Requirements)	
I declare under penalty of perjury that the foregoing is true and correct.	best	ar or affirm the	dge, informa	ation a		rge and that it is true to the	
9/13/2018 9:43:43 AM PDT September 19/13/2018 9:43:43 AM PDT September 20/13/2018 9:43 AM PDT September 20/13/2018		SCRIBED AN month, and yea		D BEFORE ME THIS DATE			

- A. I am a black Jamaican. I was born in Jamaica.
- B. I was employed as a housekeeper by Yellowstone Club Operations, LLC ("Yellowstone Club") to work at One Yellowstone Mountain Club Trail, Big Sky, Montana 59716
- C. I began my employment on December 21, 2017.
- D. The Yellowstone Club hired me in Jamaica and I came to United States to work for the Yellowstone Club on an H2B visa.
- E. All of the H2B workers employed at the Yellowstone Club at the same time as me were black Jamaicans. No other black Jamaicans worked there.
- F. When I was hired, my understanding was that Yellowstone Club would be my employer, but when I came to the United States, I was also employed by Hospitality Staffing Solution, LLC ("HSS").
- G. These employment classifications—working for HSS and being an H2B worker—had a disparate impact on black Jamaican workers based on our race, color and national origin.
- H. I was also discriminated against as a black Jamaican H2b worker because my employers did not give me, or the other black Jamaican H2B workers, extra compensation that the non-black, non-Jamaican, non-H2B workers doing the same or similar work did receive.
- I. Housekeepers like me were supposed to receive pooled tips as additional compensation. The other Black Jamaican H2B housekeepers and I did not receive this additional compensation. The non-black, non-Jamaican, non-H2B housekeepers did receive this additional compensation.
- J. Fay Wilson from HSS told the black Jamaican H2B housekeeper that we would be tip pool and could expect about \$45 a day from the tip pool. We never received any of this extra compensation.
- K. This discrimination was not limited to housekeepers like me.
- L. Cooks were supposed to receive a percentage of the revenue of for all food prepared in the kitchen as additional compensation. The black Jamaican H2B cooks did not receive this additional compensation for our work. The non-black, non-Jamaican, non-H2B cooks did receive this additional compensation.
- M. Restaurant servers were supposed to receive a percentage of the revenue for all food and drink they served or normal tips as additional compensation. The black Jamaican H2B servers did not receive this additional compensation. The non-black, non-Jamaican, non-H2B servers did receive this additional compensation.
- N. Additionally, black Jamaican H2B housekeepers like me were disproportionately given night shifts, which were cold and had limited access to transportation, since the employee shuttle did not run late enough on most days.
- O. Only black Jamaican H2B workers were paid on pay cards and these pay card charged fees to use them.
- P. About 2 months before the end of my work, the black Jamaican H2B housekeepers asked the employers about their missing tips. There was a meeting with the black Jamaican H2B housekeepers, Sheldon Brown (who I believe was a Jamaican government official), Tim McPherson from HSS, and Fay Wilson from HSS. We

Docusign Envelope ID C 2000 25-18-16-17-00 A 20-2-6-15-15-16-20-20 cument 17-1 Filed 01/09/19 Page 30 of 30

were told that we would get our tips at the end of our employment. The other black Jamaican H2B housekeepers and I did not receive any tips at the end of our employment, though some received "bonuses" that were substantially less than the missing compensation.